

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



DECLARATION OF LISA WHIRLOW IN SUPPORT OF PETITION TO ACCESS A  
PENDING PATENT APPLICATION UNDER 37 CFR § 1.14

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RECEIVED

APR 29 2004

OFFICE OF PETITIONS

Dear Sir:

1. My name is Lisa Whirlow. I reside in Stockton, California.
2. I am the National Sales Representative for Chamilia, LLC of New York, New York ("Chamilia"), a company offering unique jewelry products. I have been a Chamilia employee since July, 2003. I work through Chamilia's New York office; however, I travel regularly to trade shows and customer locations.
3. I have been professionally involved in the jewelry industry since October, 1998.
4. Chamilia has a number of competitors in the marketplace, including a company named Pandora Jewelry LLC of Columbia, Maryland ("Pandora"). Over the past seven months I have observed Pandora offering its jewelry products for sale.
5. From August 23, 2003, to August 27, 2003, I attended the San Francisco International Gift Fair in San Francisco, California, an international trade show at which Chamilia had a display booth for presenting its unique jewelry products, including a modifiable bracelet.
6. On August 27, 2003, while at the San Francisco International Gift Fair, I met and spoke with Michael Lund, president of Pandora. Mr. Lund informed me that Pandora had a worldwide patent, apparently related to a modifiable bracelet. When I asked Mr. Lund for the patent number, he indicated that he did not know it. Mr. Lund also stated that he intended to use his company's patent to "shut down" Chamilia and any other future competitor.
7. Immediately after hearing Mr. Lund's patent assertion, I contacted Mr. Jeff Julkowski of Chamilia and repeated Mr. Lund's claim of patent rights. Upon information and belief, Mr. Julkowski conducted, or caused to be conducted, an internet search for any pending or granted patent rights to Mr. Lund or Pandora. Upon information and belief, that search did not uncover any information regarding granted or pending patent rights for Mr. Lund or Pandora.

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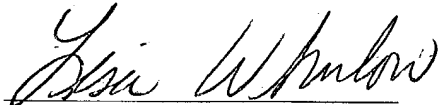
8. From February 7, 2004, to February 11, 2004, I attended the 2004 Winter International Gift Show in San Francisco, California, an international trade show at which Chamilia again had a display booth for presenting its unique jewelry products, including its modifiable bracelet.

Pandora also had a display booth at that show.

9. On February 8, 2004, while at the 2004 Winter International Gift Show, I met and spoke with Mr. Steve Glueck, a sales representative for Pandora. Mr. Glueck repeated the assertion first made by Mr. Lund in August, 2003, that Pandora had patent rights violated by Chamilia's modifiable bracelet. Mr. Glueck stated that he did not know the number of Pandora's claimed patent. He and I also discussed the potential scope of the market for such products and that both Chamilia and Pandora could compete fairly in that market. Mr. Glueck continued to assert patent violation by Chamilia.

10. During the course of the 2004 Winter International Gift Show I spoke with representatives from several of Chamilia's customers and potential customers. Among others, I spoke with representatives from Anne's Hallmark, Now & Then, and The Gift Gallery. Each informed me that they had been advised by Pandora that there were patent issues involving Chamilia's modifiable bracelet and that Pandora would close down Chamilia based on Pandora's patent rights. Those representatives further informed me that they would not order product from Chamilia based on the assertion made by Mr. Glueck. Moreover, I observed other potential customers who had indicated an interest in purchasing the Chamilia modifiable bracelet but did not return to do so after visiting the Pandora display booth. Upon information and belief, those additional potential customers were also informed about Pandora's asserted patent rights.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued.

By:   
Lisa Whirlow

Date: March 29, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF KATHY RILEY IN SUPPORT OF PETITION TO ACCESS A  
PENDING PATENT APPLICATION UNDER 37 CFR § 1.14

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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APR 29 2004  
OFFICE OF PETITIONS

Dear Sir:

1. My name is Kathy Riley. I reside in Indianapolis, Indiana.
2. I am a sales representative for Chamilia, LLC of New York, New York ("Chamilia"), a company offering unique jewelry products. I have been a Chamilia employee since October of 2003. I work through Chamilia's Chicago, Illinois, office; however, I travel regularly to trade shows and customer locations.
3. I have been professionally involved in the jewelry industry since 1983.
4. Chamilia has a number of competitors in the marketplace, including a company named Pandora Jewelry LLC of Columbia, Maryland ("Pandora"). Over the past year, I have observed Pandora offering its jewelry products for sale. My contacts with Chamilia customers and potential customers enables me to discuss the relevant features and advantages of the Chamilia products, including its modifiable bracelet in comparison to Pandora's products, including its changeable bracelet.
5. On March 14, 2004, while at the Chicago Gift Show in Chicago, Illinois, I was visiting a display booth under the control of Ladd Groups. While there, I met and spoke with Jody Henderson, a sales representative for Pandora. In front of other jewelry distributors as well as customers and potential customers, Mr. Henderson stated that Pandora was suing Chamilia because it had a patent and Chamilia did not. I stated my understanding that Chamilia and Pandora had already been in a lawsuit that had been settled. Mr. Henderson stated that there was another lawsuit involving the Pandora patent and that Chamilia soon would not be able to sell its jewelry. Rather than continue to argue with Mr. Henderson, I left the display booth.
6. In addition, I have had to address the same Pandora patent lawsuit threat with eight customers or potential customers. Upon information and belief, Pandora employees have told

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these customers and potential customers that Pandora would close down Chamilia with the Pandora patent. I have also had to address unfounded rumors initiated by Pandora that Chamilia was having financial problems and would be having difficulty bringing its modifiable bracelet into the United States because of Pandora's patent rights. These customers and potential customers have been reluctant to purchase the Chamilia products as a result of their concerns that Pandora would affect Chamilia's ability to supply them.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued.

By: Kathy Riley  
Kathy Riley

Date: 4/13/07